

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HELEN MEIMARIS, AS EXECUTRIX AND  
LEGAL REPRESENTATIVE OF THE ESTATE  
OF ALKIVIADES MEIMARIS, and HELEN  
MEIMARIS,

Plaintiffs,

vs.

JOSEPH E. ROYCE, LAWRENCE A. BLATTE,  
TULIO PRIETO, JAIME LEROUX, TBS  
Shipping Services Inc., Guardian Navigation,  
Services Inc., Gruposedei and Technisea,

Defendants.

18-cv-4363 (GBD)(BCM)

**AFFIRMATION OF MARK D.  
KOTWICK IN SUPPORT OF  
MOTION TO DISMISS THIRD  
AMENDED COMPLAINT AND  
FOR STAY OF DISCOVERY**

I, MARK D. KOTWICK, an attorney duly admitted to practice before this Court,  
hereby affirms under penalty of perjury that the following is true and correct:

1. I am a partner of the law firm of Seward & Kissel LLP, attorneys of record  
for Defendant TBS Shipping Services Inc., n/k/a Defendant Guardian Navigation Services Inc.  
(collectively, the "Company Defendants") in the above-captioned action.

2. I am fully familiar with the facts set forth herein, and make this  
Affirmation in Support of Motion to Dismiss Third Amended Complaint and for Stay of  
Discovery of the Company Defendants.

3. Attached as Exhibit 1 hereto is a true and accurate copy of Plaintiffs'  
Third Amended Complaint [ECF Doc. No. 47-2] in the above-captioned action.

4. Attached as Exhibit 2 hereto is a true and accurate copy of the Disclosure  
Statement, dated January 31, 2012 and filed on February 6, 2012 in the United States Bankruptcy

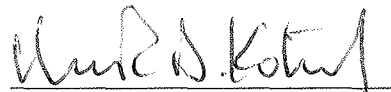
Court, Southern District of New York in *In re: TBS Shipping Services Inc., et al.*, Case No. 12-22224 (RDD) [ECF Doc. No. 20].

5. Attached as Exhibit 3 hereto is a true and accurate copy of the Notice of Effective Date of Joint Prepackaged Plan of Reorganization, dated and filed on April 18, 2012 in the United States Bankruptcy Court, Southern District of New York in *In re: TBS Shipping Services Inc., et al.*, Case No. 12-22224 (RDD) [ECF Doc. No. 155].

6. Attached as Exhibit 4 hereto is a true and accurate copy of the Finding of Fact, Conclusions of Law and Order, issued by the Court on March 28, 2012 in *In re: TBS Shipping Services Inc., et al.*, Case No. 12-22224 (RDD) [ECF Doc. No. 140].

7. Wherefore, it is respectfully requested that, for the reasons set forth in the accompanying Memorandum of Law, the Company Defendants' motion be granted in its entirety.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Mark D. Kotwick", written over a horizontal line.

Mark D. Kotwick

Dated: October 1, 2018